

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

THIS DOCUMENT RELATES TO:  
All Tennessee Actions Against The  
St. Thomas Entities

MDL No. 2419  
Master Docket No.: 1:13-md-2419-RWZ

Honorable Rya W. Zobel

DEMAND FOR JURY TRIAL

**PLAINTIFFS' STEERING COMMITTEES' MOTION TO COMPEL THE ST.  
THOMAS ENTITIES TO RESPOND TO PRODUCE CERTAIN DOCUMENTS**

The Plaintiffs' Steering Committee (the "PSC") moves this Honorable Court, pursuant to Fed. Rule Civ. Pro. 37 and Local Rule 37.1, for an order compelling the St. Thomas Entities<sup>1</sup> to respond to certain document requests. After receiving responses to the PSC's second set of common discovery requests from the St. Thomas Entities and exchanging letters and conducting one separate telephonic conference with the St. Thomas Entities to narrow any dispute over their responses, the PSC now seeks the Court's intervention concerning those issues still in dispute.

The PSC respectfully requests that the Court compel the Saint Thomas Entities to produce:

- The marketing studies and focus group documents identified in RFPs 51-54 and 57-58;
- The managed care contracts negotiated by Saint Thomas Health on behalf of Saint Thomas Clinic requested in RFP 32; and

---

<sup>1</sup> The Defendants Saint Thomas West Hospital, formerly known as St. Thomas Hospital ("St. Thomas Hospital"), St. Thomas Health ("St. Thomas Health"), and St. Thomas Network ("St. Thomas Network") are collectively referred to as the "St. Thomas Entities".

- Documents responsive to the MPA inventory levels of the hospitals owned and operated on behalf of Saint Thomas Health as requested in RFP 64.

In support of this Motion, the PSC relies upon the Memorandum in Support thereof filed contemporaneously herewith.

September 17, 2015

Respectfully submitted,

s/ Benjamin A. Gastel  
J. Gerard Stranch, IV  
Benjamin A. Gastel  
BRANSTETTER, STRANCH & JENNINGS  
PLLC  
227 Second Avenue North  
Nashville, TN 37201  
Telephone: (615) 254-8801  
Facsimile: (615) 255-5419  
gerards@branstetterlaw.com  
beng@branstetterlaw.com

*Plaintiffs' Steering Committee and Tennessee  
State Chair*

Thomas M. Sobol  
Kristen Johnson Parker  
HAGENS BERMAN SOBOL SHAPIRO LLP  
55 Cambridge Parkway, Suite 301  
Cambridge, MA 02142  
Telephone: (617) 482-3700  
Facsimile: (617) 482-3003  
tom@hbsslaw.com  
kristenjp@hbsslaw.com

*Plaintiffs' Lead Counsel*

Elizabeth J. Cabraser  
Mark P. Chalos  
Annika K. Martin  
LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
150 Fourth Avenue North, Suite 1650  
Nashville, TN 37219-2417  
Telephone: 615.313.9000  
Facsimile: 615.313.9965  
ecabraser@lchb.com  
mchalos@lchb.com  
akmartin@lchb.com

*Federal/State Liaison*

Marc E. Lipton  
LIPTON LAW  
18930 W. 10 Mile Road  
Southfield, MI 48075  
Telephone: (248) 557-1688  
Facsimile: (248) 557-6344  
marc@liptonlawcenter.com

Kim Dougherty  
JANET, JENNER & SUGGS, LLC  
31 St. James Avenue, Suite 365  
Boston, MA 02116  
Telephone: (617) 933-1265  
kdougherty@myadvocates.com

Patrick T. Fennell  
CRANDALL & KATT  
366 Elm Avenue, S.W.  
Roanoke, VA 24016  
Telephone: (540) 342-2000  
pfennel@crandalllaw.com

Mark Zamora  
ZAMORA FIRM  
6 Concourse Way, 22nd Floor  
Atlanta, GA 30328  
Telephone: (404) 451-7781  
Facsimile: (404) 506-9223  
marc@markzamora.com

*Plaintiffs' Steering Committee*

**CERTIFICATE OF SERVICE**

I, Benjamin A. Gastel, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: September 17, 2015

/s Benjamin A. Gastel

Benjamin A. Gastel